

MINUTES
Crested Butte Town Council
Regular Meeting
Crested Butte Town Hall
Tuesday July 5, 2005

Mayor James Schmidt called the meeting to order at 7:03 p.m. Council members present: Alan Bernholtz, Margot Levy, Ron Chlipala, Michael Helland, Bill Coburn and Skip Berkshire. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, and Chief Marshal Tom Martin (for part of the meeting).

Schmidt noted that during the work session prior to the regular meeting, Council heard a presentation from James Kidd, Director of the Small Business Development Center West Central Colorado and a presentation from the Office of Resource Efficiency (ORE) on the Leadership in Energy and Environmental Energy Design (LEED) program.

Approval of the minutes of the June 20, 2005 regular council meeting.
Coburn moved and Levy seconded to approve the minutes of the June 20, 2005 regular council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

1. PUBLIC COMMENTS

Crested Butte Chamber of Commerce representative Mark Ewing thanked the Town for refinishing the floor at the Chamber of Commerce building. Chamber events coordinator Sally Palmer reviewed a number of recent Chamber of Commerce events. Palmer explained that participation in most Fat Tire Bike Week events doubled from last year. Additionally, Palmer said the Bicycle Tour of Colorado event was successful, as well as the 4th of July parade and celebration. Council said they appreciated the Chamber follow up on the events and complimented the Chamber for tackling so many events in a short period of time. Council discussed the 4th of July event and Bell noted that the Town was overwhelmed by the crowds and the volume of trash and will work on the problems for future years.

COUNCIL COMMENTS

Schmidt:

- Noted letter to the council from Mac Bailey regarding public art. Schmidt suggested that the council consider putting a line item in the budget for public art. Bell said he would develop a plan for public art.
- Expressed dismay at the unsightliness of the furniture and mattress sale at the Community School parking lot. Several council members said they did not have a problem with the sale and other council members agreed that more attention should be paid to the aesthetics of the event. Schmidt said he would talk to school representatives and the business holding the event. And Ron Chlipala, who serves on the school accountability committee, said he would bring the topic up at a school accountability meeting.

Berkshire:

- Suggested that council consider a resolution expressing appreciation to the Chamber of Commerce for organizing a number of recent special events. Council agreed to consider the resolution at the July 18th meeting. Bell will draft the resolution.

4. **PUBLIC HEARINGS**

A) Special Events Permit- Crested Butte Nordic Ski Team Yard Sale – 4 Way Stop Parking Lot-September 3, 2005. Hughes noted that the event was held at the same location on Labor Day weekend last year.

Coburn moved and Berkshire seconded to approve a special events permit for the Crested Butte Nordic Ski Team Yard Sale. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Special Events Permit-Stepping Stones Fun Fest- July 23, 2005-Town Soccer Field.

Helland moved and Levy seconded to approve a special events permit for the Stepping Stones Fun Fest. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Special Events Permit-Crested Butte Mountain Trail Runners Grin and Bear It Trail Run- July 23, 2005-Bellevue Avenue and Red Lady Avenue.

Bernholtz moved and Levy seconded to approve a special events permit for the Crested Butte Mountain Trail Runners Grin and Bear It Trail Run. Roll call vote taken with all voting yes. **Motion passed unanimously.**

D) Transfer of Liquor License from Crested Butte Power Company dba Powerhouse Bar Y Grill to Cowboys LLC dba Cowboys Bar-Be-Que and Saloon. Schmidt opened the public hearing. Cowboys Bar-Be-Que and Saloon representative Dan Williams was present. There were no public comments. Schmidt asked Williams if they had any plans for live music. Williams said they currently had no plans for live music, but if they did present music in the future it would be low key.

Bernholtz moved and Levy seconded to approve transfer of liquor license from the Crested Butte Power Company to Cowboys LLC. Roll call vote taken with all voting yes. **Motion passed unanimously.**

5. **NEW BUSINESS**

A) Ordinance No. 12, Series 2005-An Ordinance Amending the 1987 Crested Butte Municipal Code to Clarify the Town's Ability to Tow, Impound, and Immobilize Vehicles.

Magner gave an overview of the ordinance and explained that it gives the Marshals the ability to tow or immobilize vehicles under a variety of circumstances. Levy pointed out that Section 11-4-2 A. 10 was confusing. Magner said she would amend that section of the ordinance for clarification. There was a brief discussion regarding rental cars. Magner noted that because rented vehicles are driven by a succession of different drivers that the ordinance does not allow

rental cars to be towed. Magner also noted that the ordinance would allow the Marshals to tow or immobilize vehicles with any number of unpaid parking tickets after a courtesy notice is given. Chief Marshal Tom Martin suggested and the council agreed to impose a \$50 administrative fee in sections of the ordinance that reference an administrative fee and a civil penalty of \$50 for vehicles on the scofflaw list and to insert those amounts in the appropriate places in Ordinance No. 12. Schmidt expressed concern about the ordinance and the Town getting a reputation as being too tough on parking infractions.

Levy moved and Chlipala seconded to set Ordinance No. 12, Series 2005 for public hearing on July 18, 2005 as amended in Section 11-4-2 A. 10 and with an administrative fee of \$50 and civil penalty fee of \$50 inserted into the appropriate sections of the ordinance.

B) Ordinance No. 13, Series 2005- An Ordinance Amending the Town Code To Establish Regulations Relating To Construction Sites.

Council expressed support for the ordinance with the understanding that enforcement would be complaint driven. Council agreed that construction activity hours should be limited to 7 a.m. to 7 p.m. Monday through Saturday and Sunday hours limited to 8 a.m. to 5 p.m.

Levy moved and Bernholtz seconded to set Ordinance No. 13, Series 2005 for public hearing on July 18, 2005 as amended in Section 16-8-2 to limit construction activity hours to 7 a.m. to 7 p.m. Monday through Saturday. (Sunday hours as stated in proposed ordinance limited to 8 a.m. to 5 p.m.)

C) Resolution No. 3, Series 2005- A Resolution Providing Approval for an Assignment of the Franchise and the Cable System to Time Warner NY Cable LLC.

Magner explained that the Town's franchise agreement expressly allows for the assignment of the agreement. Crested Butte resident Jerry Lund explained that he's supportive of burying utilities in town and noted that on some projects that utility poles have been left standing after utilities have been buried and he asked if this was the appropriate time to address the concern since the Franchise Agreement was being assigned to Time Warner. Bell explained that the utility pole issue concerns the telephone company (Qwest). Lund said he would like the Town to have a plan to bury all utility lines by 2009 and wondered if the Town could put Time Warner on notice about future plans to bury utility lines.

Bell suggested that the Town meet with a representative from Time Warner.

Magner noted that the Town is bound by the Franchise Agreement and the agreement should be assigned to Time Warner.

Bernholtz moved and Coburn seconded to approve Resolution No. 3 Series 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.**

D) Continuation of Discussion with Crested Butte Fire Protection District Regarding the Use of Town Property for Expansion of Main Fire Station.

Fire Department representatives Jeff Neumann and Larry Adams were present.

Architect Kent Cowherd reviewed revised plans for the expanded fire hall. He noted that additional parking was provided. Cowherd said the revised plan accommodates the Fire department's needs while addressing concerns noted by the Town particularly regarding parking. He noted that the building footprint is considerably smaller than the previous plan and that with proper space alignment and designation of parking spaces that the current plan will provide 12 –18 parking spaces. Council asked if the Fire District considered relocating. Department representatives noted that 70 years remain on their lease with the Town and they have no intention of relocating. Levy questioned if the expansion is the best use of the land and noted that the Fire District has the ability to bond for a new facility. Bell expressed concern about insufficient parking and whether an expanded fire hall is the best use of the land 25 years in the future when the Fire District will likely have evolved into a larger more professional organization. Bell said the Town should consider what the benefits of the proposed expansion are to the Town.

There was discussion regarding the ownership of the fire station. Fire District officials contended that the Fire District owned the building; while Magner said her legal interpretation is the Town owns the building.

The majority of the council expressed support for the Fire District proceeding with its plans for expansion and indicated that the District should get on the Board of Zoning and Architectural Review (BOZAR) schedule for the design review process while the lease and other details are being worked out. Council directed staff to work on clearing up the issue of ownership of the Fire District building and lease issues, and to work on the details of a new lease with the Fire District for the additional land. Council also directed staff to bring back options to the Council once the issues are hammered out.

6. LEGAL MATTERS/TOWN ATTORNEY

Discussed Paradise Park affordable housing guidelines and potential exemptions to some of the regulations in the Habitat for Humanity program. Magner explained that Habitat for Humanity would like to impose more restrictive deed restrictions on their projects, specifically deed restrictions requiring projects to be maintained in good repair. Council agreed that Habitat for Humanity could impose more restrictive deed restrictions.

Additionally, Council agreed that Habitat for Humanity should request council approval for any exemptions from the Town's affordable housing guidelines. Magner also noted that Habitat for Humanity has different eligibility requirements from the Town's eligibility requirements for affordable housing and pointed out that some of Habitat for Humanity's eligibility requirements are less restrictive than the Town's. Magner reviewed a list of eligibility requirements for Habitat that will require exemption from the Town's guidelines. Council approved Habitat's exemptions as outlined by Magner. Council also agreed that Habitat's eligibility requirements should include Habitat's requirements plus the Town's requirements, i.e. a melding of both the Town's eligibility requirements and Habitat's eligibility requirements.

7. STAFF REPORTS

Bell:

- Noted there is an advisory memo in the council packet from Town Planner John Hess regarding amendments to Paradise Park Guidelines respective to mutual self help build (MSHB) projects and the question of allowing the resale price on MSHB projects to include a percentage for sweat equity in addition to a percentage increase based on the Consumer Price Index (CPI) and 3 percent for each year the unit is owned. Bell noted that Hess is recommending that the Council not allow a price increase based on sweat equity for original MSHB owners. Bernholtz and Levy voiced support for not allowing a sweat equity increase saying it's important that the resale price of the units be affordable for subsequent owners. Schmidt said it's appropriate to consider the cost and value of sweat equity. Council indicated support for Hess's recommendations as stated in his memo.
- Asked Council if they were interested in a walking tour of the Paradise Park project at the July 18 meeting. Council requested Bell to tentatively schedule the tour for the August 2 meeting.
- Noted a memo in the packet regarding the May 2005 sales tax report.
- Asked council if they wanted to participate in the cloud seeding program (Sharing the costs with the county and other municipalities). Council agreed to participate and directed staff to pay the \$2,000 invoice.
- Discussed a possible council retreat with staff in mid-August. Bell will work on scheduling.
- Levy requested Bell to send another Town representative to the Region 10 Clean Cities meeting so Bell could attend the Crested Butte Arts and Recreation (CBAR) meeting on the same date.
- Council briefly discussed concerns regarding bears in town. Bernholtz indicated that some of the Town's capital improvement funds should go towards bear remediation measures such as dumpsters and trash cans. Council directed Bell to put bear problems on a list of topics for discussion with Mt. Crested Butte and Gunnison County.
- Council briefly discussed a funding request from the Small Business Development Center in Montrose. Council agreed not to contribute.

Hughes:

- Explained that the County Commissioners approved a mail ballot election for November. She said County Clerk Stella Dominquez offered to come to the July 18 council meeting to discuss the mail ballot election. Hughes noted that if the Town chooses not to participate in the coordinated mail ballot election that voters in the Town of Crested Butte would be voting in two elections: a mail ballot and a polling place election, which could be confusing to voters. Hughes explained that council needs to decide by July 22, 2005 whether or not to participate in the mail ballot election. Several council members voiced opposition to a mail ballot election and said they were dismayed that the County approved a mail ballot election. Council agreed to invite the County Clerk to the July 18 meeting to discuss the mail ballot election.

9. **COUNCIL REPORTS AND COMMITTEE UPDATES**

Coburn:

- Asked Bell to explain the format of the upcoming Crested Butte Arts and Recreation (CBAR) meetings. Bell explained that he anticipated the evening meeting to be an open house type format with an opportunity for public input; and the pre and post CBAR forum meetings to be a work session setting with the Council. Council asked Bell to tentatively schedule discussion of CBAR as an agenda item for the August 2, 2005 council meeting.

Levy:

- Requested staff to streamline the paperwork for the council packets regarding special events permits. Staff will only include paperwork from the Marshals, Fire Department and Mountain Express if there are noteworthy comments.

Schmidt:

- Attended a recent Colorado Municipal League Conference along with Bell, Levy and Magner. Some workshops were more valuable than others. He attended a beneficial presentation on streets and user-friendly highways. The presenter indicated that the Town's 6th Street improvement project is a good project but said the Town should consider adding water features to the project (i.e. fountains).
- Attended a state water roundtable meeting via teleconference. Schmidt said the process for designating appointees to the round table is a very complicated.

OTHER BUSINESS TO COME BEFORE COUNCIL –None

Schmidt adjourned the meeting at 9:48 p.m. by unanimous consent.

James A. Schmidt, Mayor

Eileen Hughes, Town Clerk